

## REMARKS/ARGUMENTS

The examiner has objected to the abstract of this application as being too lengthy.

Accordingly, Applicant provides a substitute abstract included herewith.

The examiner has objected to the disclosure of the application because page 3 was missing from the examiner's file. A copy of page 3 of the application as originally filed is enclosed herewith as requested.

The examiner has stated that the relationship between the elements of Fig. 26 is unclear. This is at least partially due to the existence of two typographical errors in the paragraph of the specification that describes this figure. Applicant has submitted herewith a substitute paragraph listed in the Amendments to the Specification, in which changes are made at page 63, line 8 by replacing 553 with 552, and at page 63, line 21 by replacing the word couple with the word double. This amendment should clarify the relationships in this figure. Figure 26 is offered simply to help explain that the various descriptions 552, 554 & 556 delineated in the MPEG-7 standard documents correspond to the various preferences descriptions 542, 544 & 546 of embodiments of the present invention. This correspondence or relationship is shown by the double arrows.

## Claim Objections

The Examiner has objected to claim 78 because the phrase "football season" is listed twice. The Applicant has amended this claim, in the listing of claims above, to delete the second occurrence of this phrase as requested by the Examiner.

The Examiner has noted that some claim numbers were omitted in the original application causing a gap in the consecutive numbering of claims. Applicant has renumbered the claims in the above listing of claims to make the claim numbering consecutive as requested by

examiner. Claims 74 – 84 have been renumbered as claims 69 – 79. These claims are listed in the listing of claims above in renumbered form with dependent references updated to correspond to the renumbered claims.

#### Claim Rejections

Claims 1-52 and 57-76 are rejected under 35 U.S.C. §112 as being indefinite. The examiner states that these claims do not cite a relationship between the claim elements. However, these claims do cite relationships between their elements. These claims comprise a “usage preferences description” element and a “usage history description” element. These elements are related by the action of a user who establishes the elements and whose actions are used to create and update the descriptions. Furthermore, Claim 1 comprises a “usage preferences description” and a “usage history description” wherein the usage preferences description is updated based on content of the usage history description. This “updating” establishes a relationship between the elements. Claim 8 comprises a “usage preferences description” and a “usage history description” wherein these elements are maintained on separate device, hence forming a relationship between elements. Claim 15 comprises “a plurality of usage preferences descriptions” and a “plurality of usage history descriptions” wherein “a user identification description identifies a corresponding set of at least one of said usage preference descriptions and at least one of said usage history descriptions.” Accordingly, the identification description relates the other two claim elements. Claim 28 also contains user identification descriptions that relate the other claim elements. Claim 35 comprises the step of providing advertising based on usage history data. Claim 42 comprises an element of updating the usage preferences based on the usage history element. Claim 46 recites the selection of a media based on the usage

preferences description. Claim 57 recites updating the usage preferences based on the usage history. Claim 58 recites the usage history and usage preferences related by user activity. Claim 66 recites user identification descriptions that relate to usage preferences. Claim 70 recites usage preferences that relate to the creation of a summary. All these independent claims recite at least one relationship between claim elements either explicitly or by description of claim terminology in the specification.

### Claim Rejections

#### Usage Preferences Description / Browsing Preferences Description

The Examiner suggests that Seidman et al. disclose a usage preferences description having browsing preferences description at column 2, lines 36-40; column 3, lines 51-55; abstract. Column 2, lines 36-40 and column 3, lines 51-55 of Seidman et al. refer to FIG. 2 which is a viewer response system (VRS). The VRS includes power-on 16, system initialization 17, time for history report 18, display program menu 19, user program selection 20, program display 22, user terminates program 23, all of which are typical menu interactivity functions of a set-top box for multimedia selection. The VRS also includes add “tune begin” 21 and add “tune end” 24 to SH (selection history 13 of FIG. 1). The SH creates a list selected items, each of which has a record as shown in FIG. 4. The SH record merely includes basic information related to the multimedia. Accordingly, the Examiner apparently considers the set of records for the SH (see FIG. 4) as the browsing preferences description.

Based upon the Examiner’s interpretation of “usage preferences description” it would appear that the records for the SH (see FIG. 4) are used as a browsing preferences description.

#### Usage Preferences Description / Search Preferences Description

The Examiner suggests that Seidman et al. disclose a usage preferences description having search activity at column 2, lines 24-26; column 3, lines 42-46. Column 2, lines 24-26 of Seidman et al. suggest the need for the delivery of multi-media resources to the user on the basis of selection and search activity performed by the user and the head end (e.g., server) in tandem. Column 3, lines 32-46, which is in the summary of Seidman et al. suggest an iterative video-based data search and retrieval which allows the viewer of a program to select and modify the data which is embedded in a program dynamically, while viewing, in order to search and retrieve items from a multimedia database. The interactive video-based data search is shown in FIG. 3, which includes power on 16, system initialization 17, display program menu 19, user program selection 20, program sent to user 32, program display 22, and an embedded message in program 25 in the form of a hyperlink 27. If the user responds to the hyperlink 27 then a report (e.g., indicating the pressing of the hyperlink) is sent to the head end 33 (e.g., server), which performed a keyword search 36, and modified data or video content of the program 37. In this manner, by using a hyperlink provided by the head end (e.g., server) the content that is provided to the user may be modified. See, column 8, lines 12-50. This interactivity using hyperlinks is suitable for selecting content that has been previously modified as described at column 8, line 51 to column 9, line 16. Accordingly, the selection of a hyperlink by the user results in the modification of the content provided to the user.

Claim 1 patentably distinguishes over Seidman et al. by claiming a search preferences description, as claimed. In contrast, the hyperlinks and keyword search 26, referred to by the Examiner as “search activity” (and notably not referred to as “search preference description”), disclosed by Seidman et al. are simply functionality provided by the system. This “search activity” is not maintained in the manner of a record, such as the SH records previously

described, in any manner. Moreover, there is no suggestion nor motivation in Seidman et al. to include a description for the searching preferences.

Usage Preferences Description / Filtering Preferences Description

The Examiner suggests that Seidman et al. disclose a usage preferences description having filtering preferences at column 2, lines 36-40; column 7, lines 25-29; column 8, lines 21-23. Column 2, lines 36-40 of Seidman et al. suggest the need for the delivery of multi-media resources to the user on the basis of selection and search activity performed by the user and the head end (e.g., server) in tandem. Column 7, lines 25-29 suggest that if the program being viewed has embedded data 24 the micro-controller, on the basis of the “message filtering data” 82 in the viewer profile will determine if the message announcing the availability of the embedded data should be shown to the user 26. The “message filtering data” 82 is part of the viewer profile (see FIG. 5) which includes basic information such as name, address, age, sex, etc. There is no teaching in Seidman et al. that this “message filtering data” 82 is anything more than simply a binary “flag” (e.g., on/off) to indicate whether the user wants the embedded data to be shown or not. Column 8, lines 21-23 of Seidman et al. also suggest that the message pertaining to the embedded data may or may not be filtered out (see block 31) by the micro-controller, depending on the viewer’s history and interests. Further, Seidman et al. simply fail to teach how this may be accomplished other than simply an on/off selection, which is presumably selected by the user based upon his history and interests. There is no structure, such as the viewer profile, defined by Seidman et al. containing such viewer history or interests. Accordingly, the filtering preferences as defined by the Examiner is, at most, merely a flag indicating the user’s preference which is not a filtering preferences description.

Claim 1 patentably distinguishes over Seidman et al. by claiming a filtering preferences description that may include content preferences and/or classification preferences, as claimed. In contrast, the “message filtering data”, history, and interests, referred to by the Examiner as “filtering preferences” (and notably not referred to as “filtering preference description”), disclosed by Seidman et al. are simply functionality provided by the system. This “filtering preferences” is not maintained in the manner of a description, such as the SH records previously described, in any manner. Moreover, there is no suggestion nor motivation in Seidman et al. to include a record for the filtering preferences description.

#### Usage Preferences Description / Keywords Preferences

The Examiner suggests that Seidman et al. disclose a usage preferences description having “keywords” at column 8, lines 30-34 which suggests upon receipt of this report the head end system optionally performs a database search 36 on the basis of keywords from the report. Optionally, the user could be prompted to supply additional keywords. In effect, the set top box provides the head end (e.g. server) a report with keywords as a result of selecting the hyperlink or user supplied keywords.

Claim 1 patentably distinguishes over Seidman et al. by claiming a filtering preferences description that may includes keyword preferences, as claimed. In contrast, the keywords (and notably not referred to as “keyword preferences”), disclosed by Seidman et al. are simply functionality provided by the system. This “keyword” is not maintained in the manner of a description, such as the SH records previously described, in any manner. Moreover, there is no suggestion nor motivation in Seidman et al. to include a record for the keyword preferences.

#### Usage Preferences Description / Creation Preferences

The applicant would note that Seidman et al. does not disclose “creation preferences”.

Usage Preferences Description / Presentation Characteristics

The Examiner suggests that Seidman et al. disclose a usage preferences description having device preferences description relating to user's preferences regarding presentation characteristics at column 5, lines 13-22, 53-62; column 6, lines 26-37, 66-67; column 7, lines 1-19. In particular, column 5, lines 13-22 suggest the modification of the video stream within the multiplex which is provided from the head end to the set top box. This modification is simply the selection of one or several different available video streams. In particular, column 6, lines 26-37 refer to the viewer's profile (see FIG. 5) which does not include any information regarding the playback device itself. In particular, column 6, line 66 to column 7, line 19 relate to the selection of a particular video which does not include any information regarding the playback device itself.

Claim 1, as amended, patentably distinguishes over Seidman et al. by claiming a device preferences description related to user's preferences regarding presentation characteristics of the presentation device.

Claim 1

Claim 1, as amended patentably distinguishes by providing at least two of the listed preferences.

Usage History Description / Browsing History Description

The Examiner suggests that Seidman et al. disclose a usage history description at column 3, lines 39-41, column 4, lines 11-25. In particular, the Examiner suggests that Seidman et al. disclose a browsing history description at column 5, lines 53-62; column 6, lines 1-8, and 38-52. Column 5, lines 53-62 relate to the user's selection history as described by the viewer response

monitoring. The viewer response monitoring, as described at column 6, lines 1-8 and 38-52 relates to periodically providing a historical report from the set top box to the head end (e.g., server). The historical report may include a summary of viewing activity of the report period, or a more detailed description of the viewing behavior.

Based upon the Examiner's interpretation of "usage history description" and "browsing history description" it would appear that the Examiner considers historical report to meet this limitation.

#### Usage History Description / Filtering History Description

The Examiner suggests that Seidman et al. disclose a usage history description that includes a filtering history at column 8, lines 21-23. Seidman et al. fail to disclose a filtering description, as previously discussed, and furthermore fail to disclose a filtering history description.

#### Usage History Description / Search History Description

The Examiner suggests that Seidman et al. disclose a usage history description that includes a search history at column 6, lines 1-8 and 38-52. Seidman et al. fail to disclose a search description, as previously discussed, and furthermore fail to disclose a search history description.

#### Usage History Description / Device Usage History Description

The Examiner suggests that Seidman et al. disclose a usage history description that includes a device usage history description. Claim 1, as amended, patentably distinguishes over

Seidman et al. by claiming a device history description related to user's preferences regarding presentation characteristics of the presentation device.

#### Usage History Description / Presentation Characteristics

The Examiner suggests that Seidman et al. disclose a usage history description that includes presentation characteristics at column 9, lines 5-16, and column 12, lines 19-32.

Seidman et al. fail to disclose presentation characteristics, as previously discussed, and furthermore fail to disclose presentation characteristics.

#### Updating Usage Preferences

The Examiner suggests that Seidman et al. teach updating the usage preferences description based on the content of the usage history description at column 2, lines 27-31; column 3, lines 47-50, lines 56-62; column 8 lines 60-67.

Column 2, lines 27-31 disclose spontaneously modifying both the content of the digital stream (e.g., video and data files) as well as the association of objects in the stream (e.g., the association of objects appearing in the video to text files on related topics). This portion of Seidman et al. cited by the Examiner relates to modification of the content presentation to the user by changing the digital stream and the modification of association of objects in the digital stream.

Column 3, lines 47-50 disclose dynamic customization of embedded data by spontaneously adapting to viewer's current interests and their correspondence with video objects.

This portion of Seidman et al. cited by the Examiner relates to dynamic customization of the embedded data provided to the user in the digital stream.

Column 3, lines 56-62 suggest a set of program segments of the program are transmitted from the head end (e.g., server) to the group of subscribers, where the set is selected by the head end server in accordance with profile information on group of subscribers. This portion of Seidman et al. cited by the Examiner relates to modification of the content presentation to the user by selecting a set of program segments in accordance with profile information.

Column 8, lines 60-67 suggest that the head end (e.g., server) can dynamically modify both the content of the stream and the control information association objects in the stream, in response to user interest. If a user demonstrates, by selection of embedded data and/or intra-video navigation, interest in a particular topic, the data embedded in the stream can be modified to reflect this interest. This modification can occur during the viewing of the program.

This portion of Seidman et al. cited by the Examiner relates to modification of the content presentation to the user by dynamically modifying the content and control information, in response to user interest.

Accordingly, all of the portions of Seidman et al. cited by the Examiner relate to modification of the content presentation to the user by changing the digital stream. None of the portions cited by the Examiner suggest the modification of usage preferences description based upon the usage history description.

#### Claims 1-7

Claim 1 patentably distinguishes over Seidman et al. by claiming a usage preferences description with at least two of the items listed.

Claim 1 also patentably distinguishes over Seidman et al by claiming updating the usage preferences description based on the content of the usage history description.

Claims 2-7 depend from claim 1, either directly or indirectly, and are patentable for the same reasons asserted for claim 1.

#### Claims 8-14

The Examiner suggests with respect to claim 8 that Seidman et al teach a usage preferences description separate from the usage history description, and that the user creates a user profile (column 3, lines 51-62), and that history information is acquired and maintained by monitoring the user's selections and the user's profiles (column 4, lines 11-26, column 6, lines 38-52).

As an initial matter, claim 8 patentably distinguishes over Seidman et al. by claiming a usage preferences description with at least two of the items listed.

Claim 8 also patentably distinguishes over Seidman et al by claiming maintaining the usage preferences description on separate device from the usage history description, and storing the usage preferences description on a removable storage device. Seidman et al. fail to suggest using a removable storage device.

Claims 9-14 depend from claim 8, either directly or indirectly, and are patentable for the same reasons asserted for claim 8.

#### Claims 15-27

The Examiner suggests with respect to claim 15 that Seidman et al. teach that every time the user's system is powered on, after system initialization 17 (which includes identification of the viewer profile), the microcontroller determines if a historical report is due, based on the "historical report period" parameter 59 in the viewer profile. The report may be a summary of

viewing activity over the report period, or a more detailed description of viewing behavior based on the “historical report type” parameter 60 in the viewer profile. See, column 6, lines 38-52.

As an initial matter, claim 15 patentably distinguishes over Seidman et al. by claiming a usage preferences description with at least two of the items listed.

Claim 15 also patentably distinguishes over Seidman et al by claiming a usage identification description that comprises private user information and public user information and the private user information has user-selectable access.

Claims 16-27 depend from claim 15, either directly or indirectly, and are patentable for the same reasons asserted for claim 15.

#### Claim 28

The Examiner suggests with respect to claim 28 that Seidman et al. teach the creation of user profiles and facilitates user identification.

As an initial matter, claim 28 patentably distinguishes over Seidman et al. by claiming a usage preferences description with at least two of the items listed.

Claim 28 also patentably distinguishes over Seidman et al by claiming a first user identification description, a second user identification description, where the first user identification description and its associated user preference description(s) is disabled prior to the different user using his associated usage preference description. Seidman et al. simply fail to suggest in any manner the disabling of the first user identification description prior to the different user using his associated usage preference description.

Claims 29-34 depend from claim 28, either directly or indirectly, and are patentable for the same reasons asserted for claim 28.

### Claim 35

The Examiner suggests with respect to claim 35 that Seidman et al. teach the head end monitoring the popularity of programs and advertisements, and to assembly demographic information on viewers.

As an initial matter, claim 35 patentably distinguishes over Seidman et al. by claiming a usage preferences description with at least two of the items listed.

Claim 35 also patentably distinguishes over Seidman et al by claiming providing data contained in the usage history description to a party other than the user, which in response thereto, provides selected advertising based upon the data to the system. In contrast, while Seidman et al provides “advertising” together with its other content, Seidman et al. fail to do nor suggest doing it based upon the usage history data.

Claims 36-41 depend from claim 35, either directly or indirectly, and are patentable for the same reasons asserted for claim 35.

### Claim 42

The Examiner suggests with respect to claim 42 that Seidman et al. teach the claimed method.

Claim 42 patentably distinguishes over Seidman et al. by claiming a usage preferences description with at least two of the items listed.

Claims 43-45 depend from claim 42, either directly or indirectly, and are patentable for the same reasons asserted for claim 42.

### Claim 46

The Examiner suggests with respect to claim 46 that Seidman et al. teach the claimed method.

Claim 46 patentably distinguishes over Seidman et al. by claiming a usage preferences descriptions with a browsing preferences description, a filtering preferences description, and a device preferences description.

Claims 47-52 depend from claim 46, either directly or indirectly, and are patentable for the same reasons asserted for claim 46.

Claim 53

The Examiner suggests with respect to claim 53 that Seidman et al. teach different settings based on the content, time of content presentation, video presentation and audio presentation that is being used.

Claim 53 patentably distinguishes over Seidman et al. by claiming a usage preferences description that includes a device preferences description that relates to user's preference regarding presentation characteristics of the presentation device.

Claims 54-57 depend from claim 53, either directly or indirectly, and are patentable for the same reasons asserted for claim 53.

Claim 58

The Examiner suggests with respect to claim 58 that Seidman et al. in view of Williams et al. teach providing the time of content presentation.

Claim 58 patentably distinguishes over Seidman et al. in view of Williams et al. by claiming incorporating within the usage history description the duration that a particular program has been viewed in relation to the total duration of the program for a plurality of the programs.

Claims 59-65 depend from claim 59, either directly or indirectly, and are patentable for the same reasons asserted for claim 59.

Claim 66

Claim 66 patentably distinguishes over Seidman et al. by claiming a usage preferences descriptions with a browsing preferences description, a filtering preferences description, and a device preferences description.

Claims 67-69 depend from claim 66, either directly or indirectly, and are patentable for the same reasons asserted for claim 66.

Claim 70

Claim 70 patentably distinguishes over Seidman et al. by claiming a usage preferences descriptions with a browsing preferences description, a filtering preferences description, a search preferences description, and a device preferences description.

Claims 71-76 depend from claim 70, either directly or indirectly, and are patentable for the same reasons asserted for claim 70.

The Applicant requests that this application, as amended, be allowed. If the Examiner believes that for any reason direct contact with applicant's attorney would advance the prosecution of this application, the Examiner is invited to telephone the undersigned at the number below.

Respectfully submitted,

Chernoff, Vilhauer, McClung & Stenzel, LLP

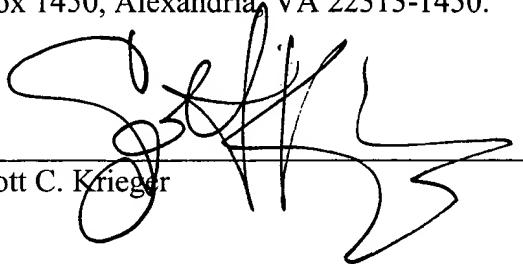


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Dated: March 26, 2004

  
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